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Attorneys for A&B Irrigation District

**BEFORE THE DEPARTMENT OF WATER RESOURCES
 OF THE STATE OF IDAHO**

IN THE MATTER OF THE MITIGATION
 PLAN FILED BY A&B IRRIGATION
 DISTRICT FOR THE DISTRIBUTION OF
 WATER TO WATER RIGHTS HELD BY
 THE SURFACE WATER COALITION

Docket No.: CM-MP-2015-003

**STIPULATED WITHDRAWAL OF
 PROTEST**

COME NOW, the Applicant A&B Irrigation District (“A&B”) and the Protestants the Cities of Bliss et al. (“Coalition of Cities”) by and through their respective undersigned counsel of record, and hereby file this *Stipulated Withdrawal of Protest* in this matter. On December 27, 2015 A&B filed a *Stipulation Regarding A&B Irrigation District’s Amended Rule 42 Mitigation Plan* (“Stipulation”). Notice of Stipulation was published. On February 2, 2024, the Coalition of Cities filed a protest to *A&B Irrigation District’s Amended Mitigation Plan for the Surface Water Coalition*.

A&B filed the Stipulation with the Surface Water Coalition to address a procedural issue pertaining to its December 16, 2015 approved Mitigation Plan and annual notice to IDWR. The Stipulation does not affect any mitigation obligations of the Coalition of Cities. A&B further agrees

that it will not take a position regarding whether this Stipulation can affect the mitigation obligations of the Coalition of Cities if the matter comes up before IDWR.

A&B further acknowledges that the Stipulation does not impact or shift any calculated proportionate impact of any injury finding that may be attributed to A&B's junior priority groundwater rights for purposes of the SWC delivery call to the Coalition of Cities. A&B also agrees that it will not take a position regarding whether this Stipulation affects any calculated proportionate impact of any injury to the SWC if the matter comes up before IDWR.

Based on the foregoing, A&B and the Coalition of Cities are asking that the Idaho Department of Water Resources include in its order approving the Stipulation the following findings:

- The Stipulation addresses a procedural issue pertaining to its December 16, 2015 approved Mitigation Plan and the Stipulation does not affect any mitigation obligations of the Coalition of Cities.
- The Stipulation does not impact or shift any calculated proportionate impact of any injury finding to the Coalition of Cities that may be attributed to A&B's junior priority groundwater rights for purposes of the SWC delivery call.

Provided that the Department of Water Resources includes the foregoing in substantial form in its Order approving the Stipulation, the Coalition of Cities hereby withdraws its Protest accordingly.

DATED this 9th day of May, 2024.

MARTEN LAW LLP

/s/ Travis L. Thompson
Travis L. Thompson

Attorneys for A&B Irrigation District

MCHUGH & BROMLEY, PLLC

/s/ Candice McHugh
Candice McHugh

*Attorney for Cities of Bliss et al. ("Coalition of
Cities")*

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of May, 2024, the above and foregoing **STIPULATED WITHDRAWAL OF PROTEST** was sent to the following by electronic mail only:

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/s/ Jessica Nielsen _____
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